

Entered - 09/06/00 - sb
CL00L0526 - DIANNE C. MITCHELL

00- R -1588


CLAIM OF: **JANNA SESKIN**
2419 North Decatur Road
Decatur, Georgia 30033

For damages alleged to have been sustained as a result of vehicular damage due to a metal plate that had slipped off the construction cut on July 8, 2000 at West Peachtree Street between 14th and 16th Streets.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **JANNA SESKIN** the sum of **\$690.73** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of vehicular damage due to a metal plate that had slipped off the construction cut on July 8, 2000 at West Peachtree Street between 14th and 16th Streets as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L052

Date: September 18, 2000

Claimant /Victim JANNA SESKIN

BY: (Atty) _____

Address: 2419 North Decatur Road, Decatur, Georgia 30033

Subrogation: _____ Claim for Property damage \$ 690.73 Bodily Injury \$ _____

Date of Notice: 08/18/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 07/08/00 Place: West Peachtree Street between 14th and 16th Streets

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant damaged her vehicle when he drove over a metal plate that had not been properly secured over the construction hole.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 690.73  Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

Claims Manager: _____ Concur/date 09-18-00

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 8-15-00

Mitchell
09/05/00
AM

Dear Clerk of Council:

ENTERED - 9-6-00 - SB RCVD
00L0526 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 690.⁰⁰ property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 7/8/00
(month/day/year)

2. Police called: ☒ Yes ☐ No

3. Location of incident: West Peachtree St. between 15th & 17th St - Approx. 3rd lane from

4. Name of your insurance company: Allstate Policy No. 615029529

5. State what and how incident occurred: As I drove down W. Peachtree, I went over a metal cover that was placed in the road (manhole) - Manhole did not cover entire hole. Following a bump, my car began pittering. The hole caused a hole in my Down pipe - ext.

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Mazda Protege 1999 3506HM Janna Seskin
(make) (year) (tag number) (driver's name)

City vehicle: _____
(make) (City driver's name) (department/bureau)

8. Witness: Aaron Seskin 2419 N. Decatur Rd. Decatur Ga. 30033 4-634-9914
(name) (address) (telephone number)

9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Janna Seskin

Janna Seskin
(claimant's name)
2419 N. Decatur Rd.
(address)
Decatur, Ga 30033
(city and state)
4-325-9618 4-634-9914
(work number) (home number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0526

\$ 690.73

IN CONSIDERATION of the sum of SIX HUNDRED NINETY AND 73/100
 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of vehicular damage due to slipped metal plate in the roadway

which occurred on or about the 8th day of July, 2000,

at or near West Peachtree Street between 14th and 16th Streets.

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 20th day of September, 2000.

Janna Seskin (LS)
JANNA SESKIN

The above release was read and explained to, and signed by the said Janna Seskin

David B. O'Hara 9/20/2000
Notary Public, DeKalb County, Georgia
My Commission Expires Oct. 17, 2003

_____ in our presence on the date above written.

Lisa Reed
Wytoria S. Peters
WITNESSES